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Not Detained

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

PETER JARJIS POTROS
PETITIONER

v.

U.S. DEPARTMENT OF STATE
U.S. Consulate in
MONTREAL, CANADA

Case No: MTL 2021 554011 01

A# :045-819-227

PETITION FOR WRIT OF MANDAMUS

NOW COMES Jalal J. Dallo, Counsel for Petitioner, **Peter Jarjis Potros**, and respectfully invokes this Court's jurisdiction to address the extraordinary Writ of Mandamus, compelling the United States Department of State, specifically the U.S. Consulate in Montreal, Canada, to take immediate action on issuing immigrant visas for Principal Beneficiary, **Jwan Peter Jirjees Eedo**, under the F31 visa category, which is designated for married sons and daughters of U.S. citizens, and for her derivative family members as listed below:

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Altoon Yaldoo, Dlawar Gorgees Al ton

Altoon Yaldoo, Isteevan Dlawar Gorgees

Altoon Yaldoo, Mevan Dlawar Gorgees

Altoon Yaldoo, Haven Dlawar Gorgees

The visa interviews for all the above-listed applicants were conducted at the U.S. Consulate in Montreal, Canada, on December 13, 2021. Since that time, the five applicants have been waiting an unreasonable amount of time for their immigrant visas to be issued. Despite numerous inquiries and formal requests for information, the U.S. Consulate in Montreal, Canada, has failed to take any further action on this immigrant visa case.

This writ is being filed on behalf of Mr. Peter Jarjis Potros, a U.S. citizen, who has petitioned for his married daughter and her family members to have their immigrant visas issued so they can join him and move to the United States to live with him. The processing of their visas has been delayed beyond the normal time frame compared to other similar applications. Therefore, Petitioner seeks this extraordinary writ to compel the U.S. Department of State and the U.S. Consulate in Montreal, Canada, to act within a reasonable time, in accordance with Section 706(1) of the Administrative Procedure Act (APA).

Said section states that a reviewing court shall compel agency unreasonably delayed. This means that if an agency fails to act within a reasonable amount of time, a court can order the agency to act.

This writ is also intended to guarantee the five immigration Visa applicants have their right for Additional Administrative processing to be completed, in order for U.S. Consulate in Montreal, Canada to continue processing their Visa.

Mr. Peter Jarjis Potros, through his attorney, respectfully requests that this Court issue an extraordinary writ compelling U.S. Consulate in Montreal, Canada to fulfill its legal duty and process the five immigration Visa applicants within the same reasonable and normal time frame as other similar cases.

STATEMENT OF THE CASE AND FACTS

1- Petitioner Peter Jarjis Potros, U.S. citizen has the right to petition for his Married daughter and family members to immigrate to the United States under the F3 category of the Immigration and Nationality Act (INA), Section 203(a)(3).

2- On 27th September, 2005, USCIS received Form I-130 (Petition for Alien Relative) to sponsor his married daughter and issued him Form I-797C.Receipt Number:WAC-05-257-50155.

3- On 17th September 2007, USCIS Approved Form I-130 and sent it to the Department of State National Visa Center (Please see attached copy.)

4- On 30th October 2021, Beneficiary / Applicant Jwan Peter Jirjees Eedo, received email from National Visa Center informing her that NVC has received all of the fees, forms and documents required prior to attending an immigrant visa interview.

5- On 16th November 2021 Petitioner Peter Jarjis Potros was informed by NVC that the interview for Beneficiary / Applicant Jwan Peter Jirjees Eedo and family members was scheduled on 13th December 2021 at U.S. Consulate in Montreal, Canada.

6- Beneficiary / Applicant Jwan Peter Jirjees Eedo and her family members listed above attended their visa interview, the visa application was refused because **Additional Administrative processing is required** (Please see attached copy.)

7- Ever since, that date 13th December 2021 Petitioner Peter Jarjis Potros, Beneficiary Jwan Peter Jirjees Eedo and family members listed above have been patiently and respectfully waiting for the immigrant visa to be issued.

As you can see, Mrs. Jwan Peter Jirjees Eedo and family members have been waiting for more than thirty-three (33) months for their Additional Administrative processing to be completed. This delay has caused both Petitioner Peter Jarjis Potros, Beneficiary Jwan Peter Jirjees Eedo and her family members significant hardship and distress, because the daughter of the U.S. citizen is unable to immigrate to the United States to be united with her elderly father eighty-one (81) years old. (Please see attached Michigan Enhanced Driver License.

Petitioner Peter Jarjis Potros has exhausted all available remedies for seeking resolution of this case, Therefore, Petitioner requests that this Honorable Court issue a writ of mandamus compelling U.S. Consulate in Montreal, Canada to act on Beneficiary's immigrant visa application and to provide decision within a reasonable time frame. U.S. Consulate in Montreal, Canada has a legal duty to process Beneficiary's and family members immigrant visa applications and to provide decision, and that this duty has been breached by the U.S. Consulate in Montreal, Canada 's prolonged inaction.

NATURE OF RELIEF SOUGHT

The nature of the relief sought by this petition is a writ of mandamus directing U.S. Consulate in Montreal, Canada to perform its duty and provide decision on the five applicants immigrant visa with equal and normal processing time to other similar immigrant visa applications.

Thank you for your attention to this matter. We respectfully request that this Honorable Court issue a writ of mandamus as soon as possible, and we look forward to a timely resolution of this case.

Respectfully Submitted,

Dated: 12th September 2024

A handwritten signature in black ink, appearing to read "Jalal J. Dallo", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Jalal J. Dallo, hereby certify that on this 9th Day of September, 2024, I, caused a copy of the foregoing petition for Writ of Mandamus in the case of Peter Jarjis Potros, A# : 045-819-227, to be served to U.S. Consulate in Montreal, Canada located at 1134 Saint-Catherine St W, Montreal, Quebec H3B 1H4, Canada; United States Eastern District Court of Michigan located at 231 W. Lafayette Boulevard Detroit, MI 48226; US Attorney's Office for the Eastern District of Michigan located at 211 W. Fort Street, Suite 2001 Detroit, MI 48226 ; and United States Attorney General's Office located at 950 Pennsylvania Avenue NW, Washington DC 20530 by Certified mail.



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